

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

PATRICIA MORGAN,

Plaintiff,

-against-

FEDERAL EXPRESS CORPORATION,

Defendant.

Index No. 32691/2020E

Plaintiff designates
BRONX

County as the place of trial

The basis of the venue is
Residence of Plaintiff

SUMMONS

Plaintiff resides at
517 East 144th St., Apt. 3A
Bronx, New York 10454
County of Bronx

To the above named Defendant

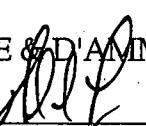
You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: Brewster, New York
October 29, 2020

Defendant's address:

Federal Express Corporation
c/o Secretary of State

LUCCHESE & D'AMMORA, LLP

By: 
ROBERT J. LUCCHESE, ESQ.
Attorneys for Plaintiff
Office and Post Office Address
327 Clock Tower Commons
Brewster, New York 10509
(914) 948-8600

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
PATRICIA MORGAN,

VERIFIED COMPLAINT

Plaintiff,

- against -

Index No.: 32691/2020E

FEDERAL EXPRESS CORPORATION,

Defendant.

-----X

Plaintiff, PATRICIA MORGAN, by her attorneys, LUCCHESE & D'AMMORA, LLP, complaining of the defendant, FEDERAL EXPRESS CORPORATION, alleges as follows:

1. That at all times hereinafter mentioned, the plaintiff, PATRICIA MORGAN, was and remains a resident of the County of Bronx, City and State of New York.
2. That at all times hereinafter mentioned, the defendant, FEDERAL EXPRESS CORPORATION, was a foreign corporation duly authorized to conduct business in the State of New York.
3. That at all times hereinafter mentioned, the defendant, FEDERAL EXPRESS CORPORATION, was a corporation doing business in the State of New York.
4. That at all times hereinafter mentioned, the defendant, FEDERAL EXPRESS CORPORATION, was the owner of certain property and premises located at 670 East 132nd Street, Bronx, New York.

EXHIBIT A (SUMMONS & COMPLAINT)

5. That at all times hereinafter mentioned, the defendant, FEDERAL EXPRESS CORPORATION, was a lessee of a certain property and premises located at 670 East 132nd Street, Bronx, New York.

6. That at all times hereinafter mentioned, the defendant, FEDERAL EXPRESS CORPORATION, was the lessee of certain premises including the parking lot, drive areas and similar common areas located at 670 East 132nd Street, Bronx, New York.

7. That at all times hereinafter mentioned, the defendant, FEDERAL EXPRESS CORPORATION, maintained the aforesaid premises including the land located thereat as well as the parking lot, drive areas and areas appurtenant thereto located at or about 670 East 132nd Street, Bronx, New York.

8. That at all times hereinafter mentioned, the defendant, FEDERAL EXPRESS CORPORATION, managed the aforesaid premises including the parking lot, drive areas and areas appurtenant thereto located at 670 East 132nd Street, Bronx, New York.

9. That at all times hereinafter mentioned, the defendant, FEDERAL EXPRESS CORPORATION, controlled the aforesaid premises including the parking lot, drive areas and areas appurtenant thereto located at 670 East 132nd Street, Bronx, New York.

10. That at all times hereinafter mentioned, the defendant, FEDERAL EXPRESS CORPORATION, its agents, servants and/or employees had a duty to maintain the aforesaid premises including the parking lot, drive areas, walkways and areas appurtenant thereto in reasonably safe and suitable condition and repair.

EXHIBIT A (SUMMONS & COMPLAINT)

11. That at all times hereinafter mentioned, and on the 26th day of June, 2020, the plaintiff, PATRICIA MORGAN, was lawfully present upon defendant's said premises as a lawful patron thereof.

12. That on the 26th day of June, 2020, there existed a dangerous, defective, hazardous and unsafe condition upon and with reference to the aforesaid premises including an accumulation of debris, rocks, gravel, etc., at or about an area with benches and concrete blocks and the parking lot and drive area appurtenant thereto.

13. That the aforesaid condition was caused and permitted to exist due to the carelessness and negligence on the part of the defendant, its agents, servants and/or employees in maintaining the aforesaid premises and cleaning debris including gravel, loose rocks and other debris at the aforesaid location.

14. That on the 26th day of June, 2020, the plaintiff, PATRICIA MORGAN, was caused to fall and sustain serious personal injuries as a result of the aforementioned dangerous, defective, hazardous and unsafe condition existing upon and with reference to the aforesaid premises.

15. That the foregoing accident and resulting injuries to the plaintiff were caused solely by reason of the carelessness and negligence on the part of the defendant in its maintenance of the aforesaid premises and without any negligence on the part of the plaintiff contributing thereto.

16. That this action falls within one or more of the exceptions as set forth in Article 16 of the CPLR.

17. That by reason of the foregoing, the plaintiff, PATRICIA MORGAN, was severely injured and damaged, rendered sick, sore, lame, and disabled, sustained severe nervous shock and mental anguish, great physical pain and emotional upset, some of which injuries are permanent in nature and duration and plaintiff will be permanently caused to suffer pain, inconvenience, and other effects of such injuries; plaintiff incurred and in the future will necessarily incur further hospital and/or medical expenses in an effort to be cured of said injuries and plaintiff will be unable to pursue her usual duties with the same degree of efficiency as prior to this accident all to her great damage.

18. That by reason of the foregoing, the plaintiff, PATRICIA MORGAN, has been damaged in an amount which exceeds the monetary jurisdictional limit of any and all lower courts which would otherwise have jurisdiction in an amount to be determined upon the trial of this action.

WHEREFORE, plaintiff, PATRICIA MORGAN, demands judgment against the defendant, FEDERAL EXPRESS CORPORATION, the amount sought exceeding the monetary jurisdictional limits of any and all lower courts which would otherwise have jurisdiction in an amount to be determined at the trial of this action together with the costs and disbursements of this action.

Dated: Brewster, New York
October 29, 2020



ROBERT J. LUCCHESE

STATE OF NEW YORK)
)
) SS.:
COUNTY OF PUTNAM)

ROBERT J. LUCCHESE, being duly sworn, deposes and says:

That he is an attorney with the firm of LUCCHESE & D'AMMORA, LLP, attorneys for the plaintiff in this action, and that they have an office at 327 Clock Tower Commons, Brewster, New York. That he has read and knows the contents of the foregoing *Complaint* and that the same is true to the knowledge of deponent except as to the matters herein stated to be alleged upon information and belief, and as to those matters, he believes it to be true. Deponent further says that the sources of his information and the grounds of his belief as to all the matters therein not stated upon his knowledge are as follows:

Investigation which deponent has caused to be made and the reports thereon and communication had with the plaintiff in this action.

Deponent further says that the reason why this verification is not made by the plaintiff is that the said plaintiff resides outside the County in which your deponent has his office.



ROBERT J. LUCCHESE

Sworn to before me this 29th
day of October, 2020



Notary Public

Marilyn Morales Lucchese
Notary Public, State of New York
Registration No. 01M06397082
Qualified in Putnam County
Commission Expires September 3, 2020

EXHIBIT A (SUMMONS & COMPLAINT)

Index No. 32691/2020E

R.J.I. No.

Judge

**STATE OF NEW YORK
SUPREME COURT**

COUNTY OF BRONX

PATRICIA MORGAN,

Plaintiff,

- against -

FEDERAL EXPRESS CORPORATION,

Defendant.

SUMMONS and VERIFIED COMPLAINT

LUCCHESE & D'AMMORA, LLP
Attorneys for Plaintiff
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